

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 216

Introduced by Assembly Member Cristina Garcia

February 2, 2015

An act to add Chapter 5 (commencing with Section 24600) to Division 20 of the Health and Safety Code, relating to product sales to minors.

LEGISLATIVE COUNSEL’S DIGEST

AB 216, as amended, Cristina Garcia. Product sales to minors: vapor products.

Existing law prohibits the sale of electronic cigarettes to people under 18 years of age. Existing law defines “electronic cigarette” as a device that can provide an inhalable dose of nicotine by delivering a vaporized solution.

This bill would prohibit the sale of any device intended to deliver a nonnicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of age. *The bill would exempt from its prohibition the sale of a drug or medical device that has been approved by the federal Food and Drug Administration.* Because this bill would create a new crime or infraction, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 24600) is
2 added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 5. PRODUCT SALES TO MINORS
5

6 24600. (a) It shall be unlawful for a person to sell or otherwise
7 furnish any device intended to deliver a nonnicotine product in a
8 vapor state, to be directly inhaled by the user, to a person under
9 18 years of age.

10 *(b) Subdivision (a) does not prohibit the sale or furnishing of*
11 *a drug or medical device that has been approved by the federal*
12 *Food and Drug Administration pursuant to the federal Food, Drug,*
13 *and Cosmetic Act (21 U.S.C. Sec. 301, et. seq).*

14 ~~(b)~~

15 (c) A violation of this section shall be an infraction punishable
16 by a fine not exceeding five hundred dollars (\$500) for the first
17 violation, by a fine not exceeding one thousand dollars (\$1,000)
18 for the second violation, or by a fine not exceeding one thousand
19 five hundred dollars (\$1,500) for a third or subsequent violation.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.